		FILED
UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA		2010
PFIZER INC., PFIZER LIMITED and PFIZER IRELAND PHARMACEUTICALS, Plaintiffs,)))) Civil Action No. 2:1)	CLERK, U.S. DISTRICT COURT NORFOLK, VA 0-cv-00128-RBS-FBS
v. TEVA PHARMACEUTICALS USA, INC. and TEVA PHARMACEUTICAL INDUSTRIES, LTD.,))))	
Defendants.)) -	

STIPULATION DISMISSING COMPLAINT WITHOUT PREJUDICE AS TO DEFENDANT TEVA PHARMACEUTICAL INDUSTRIES, LTD. AND AMENDING CAPTION

Plaintiffs Pfizer Inc., Pfizer Limited and Pfizer Ireland Pharmaceuticals (collectively, "Pfizer"), and Defendants Teva Pharmaceuticals USA, Inc. ("Teva USA") and Teva Pharmaceutical Industries, Ltd. ("Teva Ltd."), by and through their respective counsel, hereby stipulate, subject to the approval of the Court, to dismiss the Complaint filed by Pfizer against Teva Ltd. in this action. The action will continue against Teva USA. It is further stipulated that this dismissal shall be without prejudice and shall be subject to the following conditions:

1. Teva Ltd., through its undersigned counsel, hereby waives service of the Complaint in this action and agrees to be bound by any Judgment, Order or decision entered in this action, or in any appeal thereof. For the purposes of Paragraphs 2, 3 and 4 of this Stipulation, "Teva Ltd." shall include any entity directly or indirectly controlled by Teva Ltd. having in its custody or control documents, witnesses, or information relating to the subject matter of this action. Nothing in this Stipulation, however, shall work, operate or be urged or



construed to impose on Teva USA any obligation with respect to discovery or requests for admissions in this action that extends beyond or is otherwise inconsistent with the obligations that would be imposed on Teva Ltd. by the Federal Rules of Civil Procedure if Teva Ltd. was a party to this action.

- 2. Teva Ltd. and Teva USA stipulate that documents, witnesses and information in the possession, custody or control of Teva Ltd. and relating to the subject matter of this action, including the issue of damages, are in Teva USA's custody or control for purposes of discovery or requests for admissions in this lawsuit, subject to paragraph 4 below.
- 3. Pursuant to paragraph 2 above, the term "Teva USA," as used in discovery requests or requests for admissions in this action, will include Teva Ltd., and Teva USA will respond and object to discovery requests for information in the possession, custody or control of Teva Ltd., including requests for Rule 30(b)(6) deposition testimony, and will certify interrogatory responses containing Teva Ltd. information.
- 4. If the parties agree that a Teva Ltd. employee is a necessary fact witness, the witness will be made available for deposition upon notice to Teva USA. If the parties disagree about whether the employee is a necessary fact witness, or about the location of a deposition, then the parties shall present the matter to the Court for resolution. If the Court orders that the deposition of the Teva Ltd. employee shall be taken, then the witness will be made available for deposition in accordance with the terms of the Court's Order, without requiring Pfizer to comply with the requirements of The Hague Convention.



- 5. If Pfizer moves the Court at any time during the pendency of this action to join Teva Ltd. as a party, and the Court orders that Teva Ltd. be so joined, counsel for Teva USA will accept service of process on behalf of Teva Ltd., without requiring Pfizer to comply with the requirements of The Hague Convention.
- 6. The case caption in this action shall be amended to read as follows: "Pfizer Inc., Pfizer Limited and Pfizer Ireland Pharmaceuticals v. Teva Pharmaceuticals USA, Inc., Civil Action No. C.A. No. 2:10-cv-00128-RBS-FBS."

Blank on original. Rebecca Beach Smith United States District Judge

Dated: April 27, 2010

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Limited, and Pfizer Ireland

Pharmaceuticals

SO ORDERED this

day of MA

, 2010

Rebecca Beach Smith

United States District Judge

UNITED STATES DISTRICT JUDGE

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